



September 30, 2002

Mr. David Lennett, Director  
Bureau of Remediation & Waste Management  
Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017

RE: Compliance with Maine LD 1921

Dear Mr. Lennett:

Enclosed please find a "Plan for Compliance with 38 MRSA Section 1665-A, Subsection 5." This statutory requirement obligates motor vehicle manufacturers to provide the Maine DEP with a plan for consolidating and recycling mercury switches removed from existing vehicles before they are crushed at end-of-life.

In submitting this compliance plan, we thought it important that Maine DEP know of the difficulty we are having in identifying a willing and capable contractor. As you know, our members' current operations in the United States do not include end-of-life mercury recycling or disposal. It is therefore critically important that we be able to locate a business within the state of Maine with the capability of managing these activities on behalf of our members. At a meeting on June 20, 2002, DEP provided the Alliance with a list of 25 companies entitled "Universal Waste Management and Recycling Companies." It was our assumption that each of these companies would be capable of handling mercury switches.

On August 1, 2002, the Alliance sent a request for proposals to all 25 companies, and on August 12 we held a conference call to give each company an opportunity to ask questions about the program. We received only three proposals. Unfortunately, only one of these proposals was reasonably responsive to our request. Our members are currently engaged in negotiations with that company, and will make best efforts to complete their negotiations and have the elements of the attached compliance plan in place by January 1, 2003.

**BMW Group • DaimlerChrysler • Fiat • Ford Motor Company • General Motors  
Isuzu • Mazda • Mitsubishi Motors • Nissan • Porsche • Toyota • Volkswagen • Volvo**

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I also wanted to take this opportunity to explain why we included on the compliance plan a requirement that each bucket of automotive mercury switches delivered to the mercury consolidator be accompanied by a list showing the makes, models, model years and Vehicle Identification Numbers (VIN) of the vehicles from which the switches were removed. In the past, mercury convenience light switches were often sold as part of an options package, rather than as standard equipment. Automobile manufacturers did not keep records of these options sales, and therefore do not have an accurate way of calculating a "fair share" cost for each manufacturer.

When we raised this issue during our June 20 meeting, Maine DEP provided no other means of accomplishing such allocation, nor would the Department commit to developing regulations to address this issue. The requirement to record make, model, model year and VIN will allow the automobile manufacturers to reasonably allocate costs among themselves and will also assure that automobile manufacturers are not paying for switches from other types of vehicles or from household appliances.

Our compliance plan also calls for the Maine DEP to assist the automobile manufacturers by verifying which vehicles were registered in Maine. By checking registrations, the Department would assure that bounty payments are made only for switches originating within Maine and would avoid mercury being brought into Maine from neighboring states. During our June 20 meeting, Maine DEP provided no other means of accomplishing this objective, nor would the Department commit to developing regulations to address this issue.

Finally, please note that the enclosed compliance plan is filed only on behalf of those companies that asked to be listed as "Participating Members." Certain automobile manufacturers have determined that they did not manufacture vehicles with mercury switches and have reason to believe that they are under no obligation with regard to the consolidation or recycling of mercury switches. Also, as you know, the Alliance does not represent all companies that sell automobiles in the United States, and other automobile manufacturers may be submitting separate compliance plans.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Gregory Dana" followed by a stylized flourish or initials.

Gregory Dana  
Vice President, Environmental Affairs

Enclosure

### **Plan for Compliance with 38 MRSA Section 1665-A, Subsection 5**

The following compliance plan is submitted on Behalf of the Participating Members<sup>1</sup> of the Alliance of Automobile Manufacturers:

1. By January 1, 2003, each manufacturer will contract with a mercury consolidator to establish and maintain mercury switch consolidation facilities located in Portland and Bangor. The mercury consolidator will be responsible for:
  - a. making available, during regular business hours, the personnel and equipment necessary to accept automotive mercury switches and process them for recycling; and
  - b. providing any person who delivers automotive mercury switches with a voucher indicating the number of switches and date of delivery.
2. Each bucket of automotive mercury switches delivered to the mercury consolidator must be accompanied by a list showing the makes, models, model years and Vehicle Identification Numbers (VIN) of the vehicles from which the switches were removed.<sup>2</sup>
3. On a monthly basis, the mercury consolidator shall submit to the Maine DEP a report indicating the make, model, model year and VIN for each vehicle of origin, and shall request that the DEP indicate which vehicles were registered in Maine.<sup>3</sup>
4. The consolidator shall be instructed to issue a check in the amount of one dollar (\$1.00) per switch for each switch that the DEP verifies is from an automobile or light truck that was manufactured by the participating company and was registered in Maine.
5. Switches that originate from out-of-state vehicles will be processed for recycling, provided that the vehicle of origin was manufactured by a participating company. Such switches will not be eligible for the bounty payment.

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<sup>1</sup> The participating members are listed on Attachment A.

<sup>2</sup> This will allow the automobile manufacturers to reasonably allocate costs among themselves and assure that automobile manufacturers are not paying for switches from other types of vehicles. During our June 2002 meeting, Maine DEP provided no other means of accomplishing such allocation, nor would DEP commit to developing regulations to address this issue.

<sup>3</sup> By checking registrations, the DEP would assure that bounty payments are made only for switches originating within Maine and would avoid mercury being brought into Maine from neighboring states. During our June 2002 meeting, Maine DEP provided no other means of accomplishing this objective, nor would DEP commit to developing regulations to address this issue.

**Attachment A**

DaimlerChrysler Corporation  
Ford Motor Company  
General Motors Corporation  
Land Rover of North America, Inc.  
Mazda North American Operations  
Mercedes-Benz USA  
Mitsubishi Motor Sales of America, Inc.  
Nissan North America, Inc.  
Porsche Cars North America, Inc.  
Volkswagen of America, Inc.  
Volvo Cars of North America, LLC